



October 26, 2015

Councilmember Curren D. Price, Jr., Chair
Councilmember Gilbert A. Cedillo
Councilmember Marqueece Harris-Dawson
Councilmember Paul Krekorian
Councilmember Nury Martinez
Economic Development Committee
200 N. Spring Street
Los Angeles, CA 90012

Re: Sidewalk Vending, Council File 13-1493

Dear Councilmembers,

Established in 1924, the Central City Association (CCA) is Los Angeles' premier business organization, with 450 members employing over 350,000 people in the Los Angeles region. As the voice of business, we recognize the critical role that vibrant commercial corridors play in supporting business growth and retention.

We appreciate the opportunity to comment on a regulatory framework that would implement a sidewalk vending program for food and merchandise sales on the City's sidewalks and believe it is a good opportunity to change the status quo. A successful sidewalk vending program must promote an improved quality of life in our communities, support business and be enforceable.

CCA believes the only way to develop an effective vending program is to bring together the various stakeholders who have provided input on the item to discuss program specifics. The City Council should be willing to receive meaningful input from its diverse constituencies regarding a permit process, licensing requirements, placement requirements, operational requirements, vending locations, permit caps and type of item(s) sold. All of these details are integral components for a sidewalk vending program. The Chief Legislative Analyst (CLA) report released on October 21, 2015, does an effective job establishing the complex nature of a sidewalk vending program. For the first time in two years there are finally the necessary details available to discuss a vending program and the committee should allow ample time for review. Three business days is a very limited window for review on this important topic.

Improving the Quality of Life in our Communities

Los Angeles is the second largest City in the United States. It is approximately 500 square miles and has hundreds of distinct and an amazing neighborhoods. It is a diverse City, and each neighborhood has its own set of existing conditions and quality of life aspirations. CCA believes that in order to support

community aspirations, the City Council should consider a Sidewalk Vending Special District Model that is driven by the community, with the City creating general rules and regulations, as it has done with the formation of neighborhood councils. To establish a vending zone, the application must include addresses and signatures of at least 20 percent of property owners and business owners on each block of a potential vending zone who support the creation of the district.

The other models established in the CLA report: Citywide Model and Hybrid Model (Citywide and Special District) both present challenges to community input. The Citywide Model is essentially a one-size fits all approach that treats each of the City's diverse neighborhoods as the same. The Hybrid Model is not practical and does not give communities the voice they would have in a Special District Model.

We believe sidewalk vending should take place in community-supported vending zones in commercial areas of the City with prohibitions on vending in front of or near large venues, in entertainment districts, near special events and film locations, in historic districts and other areas with high pedestrian traffic that can create serious safety hazards. This is common practice in other cities with vending programs. For example, in Chicago, the majority of the downtown area and the area around Wrigley Field are vending free zones. In downtown Seattle vending is only allowed in predetermined locations and in Portland, vendors are not permitted to roam.

Consideration should also be given to establishing distance limits for farmers markets and schools. For example, in Seattle there is no vending within 1,000 feet of any public or private school containing a kindergarten through 12th grade class.

Supporting Business

Sidewalk vending and brick and mortar businesses can both thrive when there are effective regulations in place to ensure business synergy and clean, safe and accessible sidewalks.

Many other cities with sidewalk vending programs, such as Portland and Boston, require vendors to obtain support from the business they are operating in front of. Other cities, such as Seattle, require a 50 foot distance from any food-service business and food vendor. These could be effective ways to promote synergy between brick and mortar and vending enterprises and ensure complementary sale of goods.

Density regulations, such as limiting the number of vendors per block and placement requirements for sidewalk vending, are both mechanisms to maintain an accessible public right-of-way. The Bureau of Street Services has developed a sample of preliminary placement requirements for sidewalk vending, and that document should be mapped out to help communities and vendors see which parts of the City would be eligible for vending.

Vendors will contribute to vibrant commercial corridors by maintaining liability insurance and being responsible for damage to sidewalks, for injuries and for run-off into storm drains caused by their activities. Vendors also must be responsible for trash within a set radius of their operations and when operating within a Business Improvement District (BID), a percentage of vending registration and permit fees could be allocated to the BID.

Enforcement

In order for any vending program to be successful, there must be consistent and proactive enforcement. This is the only way to support vendors and businesses who play by the rules. Enforcement will require new staffing and funding. We also know vending activity occurs in the evenings and on the weekends. Enforcing regulations then would require overtime or multiple work shifts, and the City should plan for it.

The City should consider creating or assigning one department to oversee all vending issues and to coordinate all City and County efforts to oversee vending regulations, permitting and enforcement. This department must be ultimately responsible for all issues associated with vending, even though there are multiple departments and agencies involved with vending.

We encourage this committee to look at the Administrative Citation and Enforcement (ACE) program as a model for enforcement. It is currently being used on a pilot basis by the Department of Animal Services and the Los Angeles Police Department. As stated in the CLA report, the ACE program has the ability to give violators an administrative citation that does NOT result in a criminal record, probation or threat of jail. We believe this could be an equitable enforcement method to regulate sidewalk vending.

Additionally, all carts should have QR codes that can be scanned by the enforcement agency to ensure they are permitted and in the permitted location or RFID tags that allow regulators to find vendors' locations. We believe permit revocation for repeat offenders is essential. We also support the confiscation of carts and / or goods that represent a threat to public health and safety.

The City's operation and enforcement administration for a sidewalk vending program must be fully budgeted. The City agency must be fully staffed and empowered with the ability to adequately and sufficiently enforce new vending program rules. The fees to operate a sidewalk and park vending program should be full cost recovery.

CCA is ready to work with the City and all other interested parties to develop a successful program.

Sincerely,



Carol E. Schatz
President & CEO

CC: Mayor Eric Garcetti
Council President Herb Wesson
The Los Angeles City Council